

### **REMARKS**

The undersigned attorney would like to thank Examiner Bui for the courtesies extended to him during the personal interview on February 10, 2004. At the interview, an agreement was not reached. The above amended claims were discussed at the interview. The Examiner agreed that the claims appeared to overcome the art of record but would review the specific language prior to allowance.

### **REJECTION UNDER 35 U.S.C. § 102(B)**

The Examiner has rejected Claims 27, 29, 31, 32 under 35 U.S.C. §102(b) alleging them to be anticipated by the Karay reference. Applicants have amended Claim 27 to further define a power tool storage container which comprises a power tool cover and a substantially rigid storage ledge. The ledge moves from one position to another allowing tools such as screwdrivers or the like to pass through the ledge. Accordingly, Applicants believe Claim 27 as well as Claims 28-34 which depend from Claim 27 to be patentably distinct over the art cited by the Examiner.

### **REJECTION UNDER 35 U.S.C. § 103**

The Examiner has rejected Claims 1 and 7-9 under 35 U.S.C. §103 as being unpatentable over Chen in view of Vasudeva and Ling.

Applicants have amended Claim 1 to further define a power tool storage container. The power tool storage container includes a power tool as well as a tool receiving member which has an outline of the power tool. The art relied on by the Examiner fails to disclose or suggest Applicants' invention. The combination of Chen

which enables access to the tool and Ling which denies access to the tool would not be combinable and therefore would not render Applicants' invention obvious to those skilled in the art. Accordingly, Applicants believe Claim 1, as well as dependent Claims 4, 5 and 7-12, to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 4, 5, and 12 in view of the above references further in view of Schurman and Kirk. The Schurman and Kirk references fail to overcome the shortcoming of the three identified references. Accordingly, Applicants believe these claims to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 10, 14 and 15 under 35 U.S.C. §103 alleging them to be unpatentable over the above three references and further in view of Lee. The reference to Lee fails to overcome the deficiencies of Chen, Vasudeva and Ling. Thus, Applicants believe Claims 10, 14-15 be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 13-18 under 35 U.S.C. §103(a) alleging them to be unpatentable over Lee in view of Chung, Schurman and Kirk. Applicants have amended Claim 13 to further define a power tool storage container comprising a power tool and a base having a receiving member defining a outline of the power tool. Also, a finger is adjacent to the power tool to maintain the power tool in the case.

The references cited by the Examiner fail to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claim 13 as well as depending Claims 14-19 to be patentably distinct over the art cited by the Examiner.

Claim 20 has been rejected under 35 U.S.C §103(a) as being unpatentable over Lee in view of Laszlo. Applicants have included the limitation of Claim 22 into Claim 20.

The Examiner has indicated that Claim 22 is allowable over the art of record. Thus, Applicants believe Claims 20-21 and 23-26 to be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 27-29, 31 and 32 under 35 U.S.C. §103(a) as being unpatentable over Karay in view of Perkins and Fallon. Claim 27 has been amended to further define a power tool storage container. The power tool storage container includes a power tool as well as a substantially rigid storage ledge for receiving tool, such as screwdrivers or the like, when it is moved between a first and second position. Accordingly, Applicants believe Claim 27 to be patentable distinct over the art cited by the Examiner. Likewise, Claims 28-34 which dependent from Claim 27 to be patentably distinct over the art cited by the Examiner.

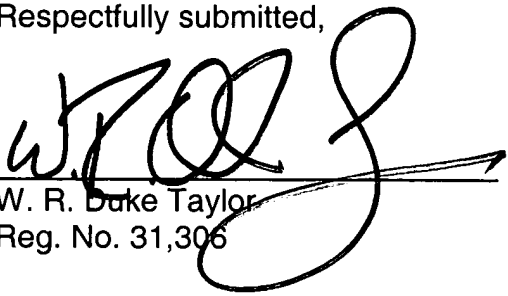
In light of the above amendments and remarks, Applicants submit that all pending claims are in a condition for allowance. Accordingly, Applicant respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

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